

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12713, of Lewis L. Freeman, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.41 to permit a day nursery in the R-2 District at the premises 4147 Alabama Avenue, S.E., (Parcel 197/43).

HEARING DATE: September 20, 1978

DECISION DATE: October 4, 1978

FINDINGS OF FACT:

1. The subject property is located in an R-2 District at 4147 Alabama Avenue, S.E.

2. The subject lot is approximately 13,506 square feet in land area, and is located on the southeast side of Alabama Avenue, S.E., approximately 700 feet east of its intersection with Massachusetts Avenue.

3. The property is irregularly shaped, and is improved with a two-story detached dwelling.

4. Across Alabama Avenue to the north and west is Fort Dupont Park. Adjacent to the site to the east is a single family detached dwelling followed by semi-detached dwellings. Adjacent to the site to the south is a single-family detached dwelling followed by the Fort Dupont Apartment building.

5. The applicant proposes to use the subject property as a day nursery for a maximum of thirty students, ranging in age from six months to six years old. There would be two teachers and two aides to run the program.

6. The applicant does not intend to offer any articles of commerce for sale.

7. The applicant testified that seventy-five per cent or more of the students will come from the surrounding area within an eight block radius of the subject property.

8. The applicant has ample play area, over 3,000 square feet, to meet the requirements of 100 square feet of play area for the maximum enrollment of thirty students. Adjacent to the site is also the Fort Dupont Park, which will provide additional play space for outdoors recreation.

9. The site is well suited to accommodate the proposed use. The site is large enough to provide ample play area and parking spaces, and the building is setback well away from surrounding properties. The property west of the site is approximately 150 feet away from the building. The property on the east side is approximately twenty feet from the building and the properties at the rear are approximately 125 feet away from the building. The applicant proposes that the bulk of the play area would be at the rear of the site. The property is presently enclosed by a row of shrubbery along the property line. To additionally buffer the property, the applicant will erect a stockade fence on the rear property line.

10. The hours of operation would be from 6:a.m. to 6:p.m., Monday through Friday.

11. There is on-street parking in front of the subject site. In addition, the applicant has a large driveway along the side of the property extending the length of the lot. Six cars can be accommodated on the site.

12. There was no report from Advisory Neighborhood Commission 7E on this application.

13. The Municipal Planning Office, by report dated July 12, 1978, recommended approval of this application on the grounds that the applicant has met the requirements of Paragraph 3101.41 and that the proposed day care center will be in harmony with the general purpose and intent of the Zoning Regulations and Maps, and will not tend to adversely affect neighboring property. The Board so finds.

CONCLUSIONS OF LAW AND OPINION:

Based on the above findings of fact and the evidence of record, the Board concludes that the operation of the proposed day care center, will not adversely affect the use of adjacent or neighboring property. The Board concludes that the proposed school complies with all of the requirements of Paragraph 3101.41, as set forth in the findings of fact.

The Board concludes that the use is so located, and the activities to be conducted therein will not be objectionable because of traffic, the number of students, or other objectionable conditions. The Board further concludes that the proposed use will be in harmony with the general intent of the Zoning Regulations and Maps. Accordingly, it is hereby ORDERED that this application is GRANTED subject to the following CONDITIONS:

1. There shall be a maximum enrollment of thirty students and four teachers or aides.
2. The hours of operation shall be from 6: a.m. to 6:p.m. Monday through Friday.
3. Approval of this use is limited to this applicant only, and is not transferrable to any other operation.

VOTE: 3-0 (William F. McIntosh, Charles R. Norris and Leonard L. McCants to grant; Chloethiel Woodard Smith not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 2 NOV 1978

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLES APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.